

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

**WACHOVIA BANK, NATIONAL  
ASSOCIATION, a national banking  
association,**

**Plaintiff,**

**v.**

**ONYX CAPITAL VENTURES, L.L.C., a  
limited liability company,**

)  
)  
)  
) **Case Number: 2:07-mc-03364-MHT**  
)  
)  
)

**Defendant.**

**WRIT OF GARNISHMENT**

**TO THE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF ALABAMA,  
OR TO ANY OTHER AUTHORIZED OFFICER, GREETINGS:**

You are hereby commanded forthwith to summon Bank of America, National Association, as Garnishee in the above-styled cause, to appear within thirty (30) days from the date of service of this process, before the United States District Court for the Middle District of Alabama, at Montgomery, Alabama, and file a written answer, upon oath:

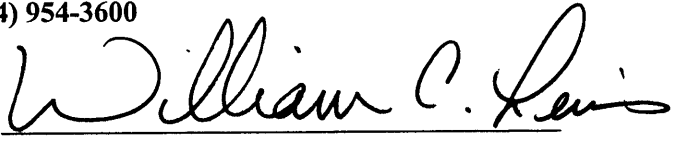
- (1) as to whether the Garnishee is or was indebted to the defendant Onyx Capital Ventures, L.L.C. at the time it received this process, or when it makes its answer, or during the intervening time, and in what sum or sums;
- (2) whether it will be indebted to Onyx Capital Ventures, L.L.C. in the future by existing contract or
- (3) whether by existing contract it is liable to Onyx Capital Ventures, L.L.C. for the delivery of personal property or for the payment of money which may be discharged by the delivery of personal property or which may be payable in personal property; and
- (4) whether it has or not in its possession or under its control real or personal property or things in action belonging to the said defendant.

Mailing the notarized answer to the Clerk of the Court constitutes making a proper appearance in the court.

The United States Marshall, or other authorized officer, is hereby commanded to serve a copy of the above Writ of Garnishment on the Garnishee, Bank of America, National Association, c/o The Corporation Company, its Registered Agent, at 2000 Interstate Park Drive, Suite 204, Montgomery, Alabama 36109, and make return of this Writ and the execution thereof, according to law.

Issued this the 17<sup>th</sup> day of May, 2007.

**DEBRA P. HACKETT, CLERK  
UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
ONE CHURCH STREET  
MONTGOMERY, AL 36104  
(334) 954-3600**

By:   
Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT  
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**WACHOVIA BANK, NATIONAL  
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**v.**

**ONYX CAPITAL VENTURES, L.L.C., a  
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**Defendant.**

**Case Number: 2:07-mc-03364-MHT**

**NOTICE TO DEFENDANT OF WRIT OF GARNISHMENT**

TO: Onyx Capital Ventures, L.L.C.  
c/o The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

**PLEASE TAKE NOTICE** that copies of the attached Writ of Garnishment and Affidavit in Support of Garnishment have been issued to Garnishee Bank of America, in the above-styled case. Please note your rights set forth below.

## RIGHT TO CLAIM EXEMPTION FROM GARNISHMENT

A process of garnishment has been delivered to you. This means that a Court may order your wages, money in a bank, sums owed to you, or other property belonging to you, to be paid into Court to satisfy a judgment against you.

Laws of the State of Alabama and of the United States provide that in some circumstances certain money and property may not be taken to pay certain types of court judgments, because certain money or property may be "exempt" from garnishment. For example, under State law, in some circumstances, up to \$3,000.00 in wages, personal property, including money, bank accounts, automobiles, appliances, etc., may be exempt from process of garnishment. Similarly, under Federal law, certain benefits and certain welfare payments may be exempt from garnishment. Benefits and payments ordinarily exempt from garnishment include, for example, Social Security payments, SSI payments, veteran's benefits, AFDC (welfare) payments, unemployment compensation payments and workers' compensation payments.

THESE EXAMPLES ARE FOR PURPOSES OF ILLUSTRATION ONLY. WHETHER YOU WILL BE ENTITLED TO CLAIM ANY EXEMPTION FROM THE PROCESS OF GARNISHMENT, AND, IF SO, WHAT PROPERTY MAY BE EXEMPT, WILL BE

DETERMINED BY THE FACTS IN YOUR PARTICULAR CASE. IF YOU ARE UNCERTAIN AS TO YOUR POSSIBLE EXEMPTION RIGHTS, YOU SHOULD CONSULT A LAWYER FOR ADVICE.


TO CLAIM ANY EXEMPTION THAT MAY BE AVAILABLE TO YOU, YOU MUST PREPARE A "CLAIM OF EXEMPTION" FORM LISTING ON IT ALL YOUR WAGES AND PERSONAL PROPERTY; HAVE THE CLAIM OF EXEMPTION NOTARIZED; AND FILE IT IN THE CLERK'S OFFICE. ALSO, IT IS YOUR RESPONSIBILITY TO MAIL OR DELIVER A COPY OF THE CLAIM OF EXEMPTION TO THE PLAINTIFF WHO HAS A JUDGMENT AGAINST YOU. YOU MUST INDICATE ON THE CLAIM OF EXEMPTION THAT YOU FILE IN THE CLERK'S OFFICE WHETHER YOU MAILED OR DELIVERED THE COPY TO THE PLAINTIFF AND THE DATE ON WHICH YOU MAILED OR DELIVERED IT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED ASSISTANCE YOU SHOULD SEE A LAWYER.

If you file a claim of exemption, the plaintiff will have approximately ten (10) days to file a "contest" of your claim of exemption. If a contest is filed; a Court hearing will be scheduled and you will be notified of the time and place of the hearing. If the plaintiff does not file a contest, the property claimed by you as exempt will be released from the garnishment.

If you do not file a claim of exemption, your property may be turned over to the court and paid to the plaintiff on the judgment against you.

TO PROTECT YOUR RIGHTS, IT IS IMPORTANT THAT YOU ACT PROMPTLY. IF YOU HAVE ANY QUESTIONS, YOU SHOULD CONSULT A LAWYER.

**DEBRA P. HACKETT, CLERK  
UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
ONE CHURCH STREET  
MONTGOMERY, AL 36104  
(334) 954-3600**

By:   
Deputy Clerk